

REMARKS

Preliminarily, at page 2 of the Office Action, the Examiner advised that JP 61-33848 as listed on Form SB08 for the Information Disclosure Statement filed July 17, 2006 has not been considered because a copy had not been provided.

In a telephone conference of October 24, 2008, the undersigned advised the Examiner that a copy of JP 61-33848 and the English Abstract of corresponding JP 55-029519 were duly submitted together with the Information Disclosure Statement filed July 17, 2006 and are available in PAIR under a mailroom date of 07-17-2006 (Foreign Reference). In accordance with the Examiner's suggestion, the undersigned respectfully requests the Examiner to list JP 61-33848 on Form PTO-892 so as to make this reference and the English Abstract of corresponding JP 55-029519 of record.

Claims 1-8 are rejected and claims 9-12 are withdrawn from consideration as being directed to a non-elected invention.

Review and reconsideration on the merits are requested.

In response to the rejection of claims 1, 3, 5, 6 and 7 under 35 U.S.C. § 102(b) as being anticipated by WO 03/002660, claim 1 has been amended to incorporate therein the recitation of claim 2, to thereby obviate the rejection. Claim 2 has been canceled. Withdrawal is respectfully requested.

Claims 1-8 were rejected under 35 U.S.C. § 103(a) as being unpatentable over JP 95033782 A1 to Araki et al in view of US 2003/0181572 to Tan et al.

Applicants traverse, and respectfully request the Examiner to reconsider for the following reasons.

An object of the invention is to provide a high-concentration stable TFE polymer aqueous dispersion despite the fact that polymerization is carried out in the absence or at a low concentration of a fluorine-containing surfactant. The present inventors achieved this object by emulsion polymerization using a fluorovinyl group-containing compound (IV) as a polymerization surfactant. The effect of the invention is clearly shown in that stable aqueous dispersions containing a particle comprising a TFE polymer of very small diameter are obtained in Examples 3-5. The average primary particle diameters of the TFE polymer obtained in Examples 3-5 are 182 nm, 180 nm and 176 nm.

On the other hand, Araki et al discloses a fluoropolymer containing a monomer (A) similar to the fluorovinyl group-containing compound (IV) of the present invention. However, the polymerization method disclosed in the Examples of Araki et al is confined to a suspension polymerization method. Thus, the particle diameter of the fluoropolymer disclosed by Araki et al is not so small as that of the TFE polymers of the present invention. Namely, the present invention is appropriately characterized as providing an aqueous dispersion stability effect that it is even more excellent than that obtained by Araki et al.

Further, Araki et al neither discloses nor suggests that an aqueous dispersion containing a TFE polymer particle of very small diameter can be obtained by using an emulsion polymerization method.

Therefore, Araki et al fundamentally differs from the present invention with respect to polymerization method, such that one of ordinary skill could not arrive at the present invention based on Araki et al even in view of Tan et al. As claimed in claim 1, the claimed tetrafluoroethylene polymer aqueous dispersion is obtained by carrying out a tetrafluoroethylene

polymerization in an aqueous medium in the presence of a fluorovinyl group-containing emulsifier, so as to distinguish over the suspension polymerization method of Araki et al.

For the above reasons, it is respectfully submitted that the amended claims are patentable over Araki et al in view of Tan et al, and withdrawal of the foregoing rejection under 35 U.S.C. § 103(a) is respectfully requested.

Claims 1, 3, 5, 6, 7 and 8 were provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 13, 18 and 19 of co-pending Application No. 10/481,811 in view of Araki et al and in view of Tan et al as evidenced by US 2003/0130393 to Cavanaugh et al.

Applicants respectfully traverse.

As shown above, the present invention would not have been conceived based on Araki et al, even if combined with Tan et al (or other references). Because the provisional obviousness-type double patenting rejection relies on Araki et al and because Araki et al fails to disclose emulsion polymerization, it is respectfully submitted that the rejected claims are patentably distinct over claims 13, 18 and 19 of co-pending Application No. 10/481,811 in view of Araki et al and in view of Tan et al as evidenced by Cavanaugh et al.

Further, the amendment combining claims 1 and 2 in any event obviates the rejection. Withdrawal is respectfully requested.

Withdrawn method claim 11 has been amended to include all of the limitations of product claim 1. If claim 1 is allowed, Applicants respectfully request rejoinder of method claims 11 and 12 pursuant to MPEP § 821.04.

Withdrawal of all rejections and allowance of claims 1, 3-8, 11 and 12 is earnestly solicited.

In the event that the Examiner believes that it may be helpful to advance the prosecution of this application, the Examiner is invited to contact the undersigned at the local Washington, D.C. telephone number indicated below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,



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23373

CUSTOMER NUMBER

Date: October 24, 2008